

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

NATHANIEL ASAKE and CARRIE
ASAKE,

Case No. 15-CV-2110 (PJS/FLN)

Plaintiffs,

ORDER

v.

BRIAN T. MOYNIHAN, in his capacity
as Chief Executive Officer of the Bank of
America; BANK OF AMERICA, in its
corporate capacity; BAC HOME LOANS
SERVICING, LP, a subsidiary of Bank of
America; ROBERT G. WILMERS, in his
capacity as Chief Executive M&T Bank,

Defendants.

This matter is before the Court on plaintiffs' objection to the October 9, 2015 Report and Recommendation ("R&R") of Magistrate Judge Franklin L. Noel. Plaintiffs have also filed in a letter in which they contend that Judge Noel and the defense attorneys should be held in contempt. *See* ECF No. 32. In the R&R, Judge Noel recommends granting defendants' motions to dismiss and denying plaintiffs' motion to deny defendants' motion to dismiss. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court overrules plaintiffs' objection and adopts Judge Noel's R&R. Further, plaintiffs' argument that Judge Noel and the defense attorneys should be held in contempt is baseless.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, the Court OVERRULES plaintiffs' objection [ECF No. 27] and ADOPTS the R&R [ECF No. 26]. Accordingly, IT IS HEREBY ORDERED THAT:

1. Defendants' motions to dismiss [ECF Nos. 5, 13] are GRANTED.
2. Plaintiffs' motion to deny defendants' motions to dismiss [ECF No. 21] is DENIED.
3. This case is DISMISSED WITH PREJUDICE AND ON THE MERITS.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 9, 2015

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge